

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO LOPEZ-ARMENTA,

Defendant.

CASE NO. CR21-0132-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue trial. (Dkt. No. 31.) Having thoroughly considered the relevant record, and for the reasons described below, the Court hereby GRANTS the motion.

Defendant is charged with Possession of Controlled Substances with Intent to Distribute and Carrying in Commission of a Drug Trafficking Crime. (Dkt. No. 8.) Trial is currently set for April 25, 2022. (Dkt. No. 22.) Defendant moves to continue trial to October 31, 2022. (Dkt. No. 31 at 1.) According to Defendant's motion, Defense counsel, who was recently appointed to represent Defendant, requires additional time to review discovery, prepare for trial, secure translations of phone call transcripts from Spanish to English, and assist Defendant in considering the Government's plea offer. (*Id.* at 2.) Based on the foregoing, the Court FINDS that the ends of justice served by granting the requested continuance outweigh the best interests of Defendant and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). This finding is

1 based on the following:

2 1. A failure to grant a continuance in this case would likely result in a miscarriage of
3 justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

4 2. Taking into account the exercise of due diligence, a failure to grant a continuance
5 in this case would deny Defendant's counsel the reasonable time necessary for effective
6 preparation due to counsel's need for adequate time to review discovery and consider the
7 Government's plea offer, as set forth in § 3161(h)(7)(B)(iv); and

8 3. The additional time requested is a reasonable period of delay.

9 Accordingly, the Court GRANTS the unopposed motion (Dkt. No. 31.) and ORDERS:

10 1. The April 25, 2022 trial is CONTINUED until October 31, 2022; pretrial motions
11 will be due September 23, 2022. The parties should consult the Court's Chambers Procedures
12 posted on its website for detailed instructions regarding pretrial submissions and trial procedure.

13 2. The time from the date of this order until the October 31, 2022 trial date is an
14 excludable period under 18 U.S.C. § 3161(h)(7)(A).

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16 DATED this 25th day of March 2022.

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20 John C. Coughenour
21 UNITED STATES DISTRICT JUDGE
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